

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

GAYLEEN HALL

PLAINTIFF

VS.

CIVIL ACTION NO. 4:07-CV-101-HTW-LRA

WAL-MART STORES, INC.

DEFENDANT

JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

This cause came on for hearing on application of Defendant, Wal-Mart Stores, Inc., incorrectly designated as the proper party, the proper party being Wal-Mart Stores East, LP, and Wal-Mart Stores East, LP, a non-resident limited partnership, for entry of a judgment dismissing the claims against them with prejudice, and the Court, being fully advised in the premises, finds as follows:

1. On March 4, 2008, this Court ordered Plaintiff's attorney, David Linder, to serve a copy of the Order Granting Motion to Withdraw upon Gayleen Hall by delivering to addressee only at her last known address, certified mail, return receipt requested, and thereafter file a certificate of service in the action.

2. Moreover, the March 4, 2008, Order Granting Motion to Withdraw mandated that Gayleen Hall had thirty (30) days within which to employ private counsel and have that counsel enter an appearance in this case or, in the alternative, to notify the Clerk of the Court in writing that Plaintiff would proceed to represent herself.

3. On March 20, 2008, David Linder filed a Certificate of Service with this Court indicating that he mailed a true, correct and complete copy of the March 4, 2008, Order Granting Motion to Withdraw by certified mail, return receipt requested, to Gayleen Hall, at her last known mailing address.

4. The Court's Order of March 4, 2008, further mandated that, should the Plaintiff fail

to retain counsel or notify the Clerk that she would represent herself, the case would be subject to dismissal.

5. Plaintiff Gayleen Hall has failed to so notify the Court within thirty (30) days as mandated by its March 4, 2008, Order Granting Motion to Withdraw.

Accordingly, this Court finds that the application of Wal-Mart Stores, Inc., incorrectly designated as the proper party, the proper party being Wal-Mart Stores East, LP, and Wal-Mart Stores East, LP, for a judgment dismissing the above-captioned civil action without prejudice is well taken and the same should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that all of Plaintiff's claims in this case against Wal-Mart Stores, Inc., and Wal-Mart Stores East, LP, are hereby dismissed without prejudice in their entirety, with each party to bear her/its own costs.

SO ORDERED AND ADJUDGED, this the 29th day of May, 2008.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

Submitted by:

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Judgment of Dismissal with Prejudice